

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SILVON S. SIMMONS,

Plaintiff,

-vs-

JOSEPH M. FERRIGNO, II, SAMUEL
GIANCURSIO, MARK WIATER,
CHRISTOPHER MUSCATO, ROBERT
WETZEL, MICHAEL L. CIMINELLI, JOHN
DOES 1-20, CITY OF ROCHESTER,
SHOTSPOTTER, INC., SST, INC., JOHN DOES
21-30, and PAUL C. GREENE,

NOTICE OF MOTION

Civil Action No. 6:17-cv-6176-FPG-MWP

Defendants.

PLEASE TAKE NOTICE:

MOTION BY:

BARCLAY DAMON LLP

*Attorneys for Defendants
ShotSpotter, Inc., SST, Inc.,
and Paul C. Greene
(the "ShotSpotter Defendants")
Office and Post Office Address
2000 Five Star Bank Plaza
100 Chestnut Street
Rochester, New York 14604*

DATE, TIME AND PLACE OF HEARING:

Honorable Frank P. Geraci, Jr.
United States District Court Judge
_____, 2023 at ____ a.m./p.m.
To Be Set by the Court
United States District Court
Western District of New York
United States Courthouse
100 State Street
Rochester, New York 14614

SUPPORTING PAPERS:

Memorandum of Law, dated December 22, 2022; Rule 56 Statement of Material Facts dated December 22, 2022; and supporting appendix comprising: Declaration of Paul A.

Sanders, dated December 22, 2022, with attached exhibits; Declaration of Ralph Clark, dated December 22, 2022, with attached exhibits; Declaration of Robert Bresler, dated December 21, 2022, with attached exhibit; Declaration of Paul Greene, dated December 22, 2022 with attached exhibit; and Declaration of Robert C. Maher, Ph.D., P.E., dated December 20, 2022 with attached exhibit.

RELIEF DEMANDED:

An Order, pursuant to Fed. R. Civ. P. 56, granting summary judgment dismissing Plaintiff's Amended Complaint against the ShotSpotter Defendants, with prejudice, and for such other and further relief as this Court may deem just and proper.

GROUNDS FOR RELIEF:

Fed. R. Civ. P. 56.

DEMAND FOR ANSWERING PAPERS:

Per the Local Rules, any opposing papers by Plaintiff are due by January 19, 2023. Reply papers, which the ShotSpotter Defendants plan to file if Plaintiff files opposition papers, are due by February 2, 2023.

DATED: December 22, 2022

BARCLAY DAMON LLP

By: /s/ Paul A. Sanders
Paul A. Sanders

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and Paul C. Greene*
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